



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

August 5, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

This memorandum includes a pursuit of County position on legislation related to solid waste definitions and status updates on nine County-advocacy climate change bills related to: 1) annexations; 2) water conservation; 3) single-use carryout bags; 4) Pacoima Wash; 5) brake friction materials; 6) pollution control devices; 7) Senate Local Government Omnibus bill; 8) extended producer responsibility; and 9) recycled water.

Pursuit of County Position on Legislation

AB 222 (Adams and Ma), as amended on July 15, 2010, would define "anaerobic digestion" and "biorefinery," and revise the definitions of "solid waste facility" and "transformation" under the California Integrated Waste Management Act of 1989.

Specifically, the bill would: 1) define anaerobic digestion to mean a process using bacterial breakdown of compostable organic material in a controlled environment that meets other parameters as established by CalRecycle; 2) define biorefinery to mean a facility that utilizes nonincineration thermal, chemical, biological, or mechanical conversion process, other than composting and anaerobic digestion; 3) delete "gasification" from within the definition of solid waste facility; and 4) redefine transformation to include the processing of solid waste at a biorefinery and exclude anaerobic digestion.

"To Enrich Lives Through Effective And Caring Service"

***Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only***

The Department of Public Works (DPW) indicates that conversion technologies are an array of processes capable of converting post-recycled residual solid waste into useful products and chemicals, green fuels like ethanol and biodiesel, and renewable energy. These technologies may be thermal (gasification or pyrolysis), chemical or biological (anaerobic digestion), but are not incinerators because there is no combustion of the waste. By recovering energy, fuel, and products from organic waste materials, conversion technologies can significantly reduce greenhouse gas emissions by reducing landfill disposal and displacing energy generation and fossil fuel consumption.

However, DPW indicates that existing State law hinders the manufacturing of advanced biofuels or green power due to uncertainty in statute regarding how conversion technology projects would be permitted. If permitted as solid waste disposal facilities rather than manufacturing facilities, conversion technologies would undergo a costly, uncertain and time consuming process that discourages investment in these technologies in California.

The Department of Public Works states that AB 222 would make certain that all biorefineries be permitted as solid waste disposal facilities regardless of the technology they employ, and would equate biorefineries with incineration. In addition, energy produced at biorefineries would be prevented from counting as renewable energy towards meeting the State's Renewable Portfolio Standard (RPS) goals despite current designation for biomass combustion, landfill gas, and gasification technologies as eligible for RPS credit. Since landfills receive both RPS credit for the energy produced and diversion credit for beneficial activities that take place at the landfill, DPW states that the current version of AB 222 would incentivize landfill disposal of waste over the production of clean energy and recovery of products from that waste through biorefineries.

In addition, AB 222 would require conversion technology facilities to be listed in the Countywide Siting Element prior to their development which the department indicates is a costly, complex and time consuming process that would hinder current ongoing conversion technology demonstration project efforts being pursued by the County. According to DPW, the definition changes to current law in AB 222 could make the County's future compliance with AB 939 challenging, potentially leading to fines of up to \$10,000 per day for failure to meet the mandated solid waste diversion goals. Therefore, DPW recommends that the County oppose AB 222, unless amended to promote the development of conversion technologies in the State by authorizing jurisdictions to receive solid waste diversion credit towards meeting the State's mandated solid waste diversion requirements and renewable energy credit in meeting the State's RPS.

Because AB 222 is counter to existing County policy to "support legislation which promotes the development of alternatives to landfills such as conversion technologies and provides full diversion credit for these alternatives under the California Integrated Waste Management Act," opposition to AB 222 is consistent with existing County policy. **Therefore, the Sacramento advocates will oppose AB 222 unless amended as indicated above.**

Support for the July 15, 2010 version of AB 222 is currently unknown. It is opposed (unless amended) by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. This measure is currently pending a vote on the Senate Floor.

Status of County-Advocacy Legislation

County-opposed AB 853 (Arambula), which would eliminate local control over the annexation process for unincorporated fringe/island communities by requiring a board of supervisors to petition the Local Agency Formation Commission to approve the annexation of these communities if specified conditions are met, passed the Senate Appropriations Committee by a vote of 7 to 2 on August 2, 2010, and now proceeds to the Senate Floor.

County-supported AB 1975 (Fong), which would have required that architectural plans for individual dwelling units in certain multiunit structures for which a building permit application is submitted on or after January 1, 2013, include the installation of either a water meter or submeter as a condition for the issuance of the building permit to measure water supplied to each individual dwelling unit, was substantially amended on August 2, 2010.

The August 2, 2010 amendments: 1) delete the requirements for the installation of meters or submeters as a condition for the issuance of the building permit; 2) delete the requirements for the owners to charge their tenants for their water usage based on the submeter reading for each dwelling unit; 3) shift the responsibility of implementation from local agencies to the water purveyors; 4) require water purveyors to either adopt a policy for requiring the submeters for multi-family structures or require submeters on a case-by-case basis; 5) require the development of building standards to address the installation of water meters in individual dwelling units within specified newly constructed multiunit residential, mixed-use residential and commercial structures.

The Department of Public Works indicates that the Waterworks District would not bare any cost associated with installing or maintaining the submeters. However, DPW indicates that the bill no longer achieves its original water conservation goal by deleting

the requirement for owners to charge tenants based on their water usage. Since the water conservation elements of the bill were deleted, DPW recommends that the County take no position on the bill. Therefore, **the Sacramento advocates will remove support for AB 1975 and take no position.** This measure is currently at the Senate Desk.

County-supported AB 1998 (Brownley), which would prohibit retailers from providing single-use carryout bags to customers, authorize retailers to provide reusable bags that meet specified standards, and require retailers to provide recycled paper bags to customers for not less than \$0.05 per bag, was placed on the Senate Appropriations suspense file on August 2, 2010. The suspense file will be taken up on Thursday, August 12, 2010.

County-supported if amended AB 2214 (Fuentes), which would require the Santa Monica Mountains Conservancy (SMMC) to use existing budget resources and voluntary and nonprofit resources to develop a feasibility study for the Pacoima Wash before June 30, 2011, and to request voluntary cooperation of other governmental authorities with jurisdiction over the Pacoima Wash in the development of the feasibility study, was amended on August 3, 2010.

The August 3, 2010 amendments: 1) change the definition of "Pacoima Wash" to mean the Los Angeles River tributary system identified by the Los Angeles County Flood Control District as the Pacoima Wash, extending from the Lopez Debris Basin to the Pacoima Spreading Grounds and the Pacoima Diversion Channel between the Pacoima Spreading Grounds and its confluence with Tujunga Wash; 2) extend the deadline for the feasibility study to June 30, 2012; and 3) add an urgency clause making the bill effective immediately if approved by the Legislature and signed by the Governor.

The Department of Public Works recommends that the County continue to support AB 2214 if it is amended to require the SMMC to: 1) obtain, from the inception of the study, the cooperation of those governmental authorities with jurisdiction over the Pacoima Wash; and 2) assure that public safety is given the highest consideration in preparation of the study and in the final content of the study. This measure is currently at the Senate Desk.

County-supported if amended SB 346 (Kehoe), which would reduce the use of copper and other heavy metals in automobile brake friction materials starting in 2014, effectively remove copper from brake pad materials by January 1, 2025, and impose specified requirements on manufacturers and retailers of vehicles and brake friction materials, was placed on the Assembly Appropriations Committee's suspense file on August 4, 2010.

County-supported SB 435 (Pavley), which would: 1) make it a crime for a person to park, use, or operate a motorcycle registered in the State that does not have the federally required label affixed onto the motorcycle or exhaust emission system indicating that the motorcycle or exhaust emission system meets the noise emissions standards; and 2) make a violation of the Federal label requirement punishable by a fine of not less than \$50 or more than \$100 for a first conviction, and not less than \$100 or more than \$250 for a second or subsequent conviction, passed the Assembly Appropriations Committee on August 4, 2010 with technical amendments by a vote of 11 to 5, and now proceeds to the Assembly Floor.

County-supported SB 894 (Senate Local Government), which is the Senate Local Government Omnibus bill that contains four County-sponsored provisions, passed the Assembly Appropriations Committee by a vote of 17 to 0 on August 4, 2010, and now proceeds to the Assembly Floor.

The four County-sponsored provisions within SB 894 would: 1) raise the limit on change orders for public works contracts that county supervisors delegate to county officials from \$150,000 to \$210,000; 2) authorize a county board of supervisors to delegate authority to approve change orders on county bridge and subway construction contracts to county officers; 3) authorize a county board of supervisors, acting as a county waterworks district's governing board, to delegate to the district manager or other district official the authority to approve change orders on construction contracts; and 4) allow the Los Angeles County Board of Supervisors to delegate to the Los Angeles County Flood Control District's chief engineer or other district officer the authority to approve change orders on construction contracts.

County-supported SB 1100 (Corbett), which would require producers of household batteries to institute a stewardship program to manage used household batteries by September 30, 2011, and establish collection rates for household batteries of 25 percent by January 1, 2014, and 45 percent by January 1, 2016, with an overall program target of 95 percent, was placed on the Assembly Appropriations Committee's suspense file on August 4, 2010.

County supported if amended SB 1173 (Wolk), which would: 1) declare that the use of all "raw or potable water" for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available that meets specific conditions; 2) prohibit a person or public agency from using raw or potable water that is suitable for nonpotable municipal or industrial uses if suitable recycled water is available that meets specific conditions; and 3) declare that the use of raw or potable water for the irrigation of residential landscaping, floor trap priming, cooling towers, and air-conditioning devices is a waste and unreasonable use of water if recycled water is available that

Each Supervisor
August 5, 2010
Page 6

meets specific conditions, was placed on the Assembly Appropriations Committee's suspense file on August 4, 2010.

We will continue to keep you advised.

WTF:RA
EW:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants